

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

HARVEY SMITH	)	
Plaintiff,	)	
v.	)	NO. 3:08-0964
	)	JUDGE CAMPBELL
	)	MAGISTRATE JUDGE GRIFFIN
STATE OF TENNESSEE, NASHVILLE	)	
TN BOARD OF PROBATION AND	)	
PAROLE	)	
Defendant.	)	

ORDER

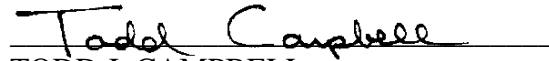
Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 19), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved.

Accordingly, the Defendant's Motion to Dismiss (Docket No. 13) is GRANTED and Plaintiff's Motion to Dismiss (Docket No. 17) is DENIED.

For the reasons stated in the Report and Recommendation, an appeal would not be taken in good faith. Therefore, Plaintiff is not certified to pursue an appeal *in forma pauperis*. 28 U.S.C. § 1915(a)(3).

This order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE